

09/807,802
GPU 1635**REMARKS**

Claims 1, 2, 4, 9-11, 14, 16-20, 23 - 25, 27 - 40 are pending. Claims 3, 5, 6, and 26 are cancelled by this amendment. No new matter is added by this amendment.

The Office Action has set forth a six-way lack of unity rejection under PCT Rule 13.2. It is noted that this is the national phase of PCT/US99/25694 and that the International Searching Authority did not make a lack of unity rejection in that application but, rather, conducted a search of all claims pending therein which were searchable by the international authority. Applicants request reconsideration of the manner in which the present rejection is drawn.

The examiner has stated that the technical feature linking groups I-VI appears to be that they all relate to an AAV-1 nucleic acid sequence. Applicants respectfully draw the examiner's attention to the fact that the claims are drawn to compositions comprising AAV-1 sequences. The various molecules, vectors, and other compositions contain either AAV-1 nucleic acid sequences, AAV-1 protein sequences, or both. Applicants submit that AAV-1 sequences are the linking technical feature.

Applicants note, e.g., that claims within group I include viral vectors having a capsid comprising an AAV1 vp1, vp2 and/or vp3 (see claims 33 - 36) and host cells containing same. Should the examiner agree to redraw the groups, Applicants hereby provisionally elect this subject matter, i.e., viral vector with capsids of AAV1 vp1, vp2 and/or vp3 proteins, or other fragments thereof, and host cells containing same. Applicants draw the examiner's attention to claims 24 and 25 which are drawn to vectors which have AAV-1 capsid proteins, and claim 28 drawn to a host cell containing same, should similarly grouped with the vectors/viruses with AAV capsid proteins or fragments thereof.

Reconsideration of this rejection is hereby requested.

09/807,802
GPU 1635

No fees are believed to be associated with the filing of this response.
However, the Director of the US Patent and Trademark Office is hereby authorized to
charge any fee associated with the filing of this paper to deposit account 08-3040.

Respectfully submitted,
HOWSON AND HOWSON
Attorneys for the Applicant

By


Cathy A. Kodroff

Registration No. 33,980

Spring House Corporate Center

Box 457

Spring House, PA 19477

Phone: (215) 540-9210

Fax: (215) 540-5818